

April 29, 2019

Mr. Tom Nash
MuckRock News
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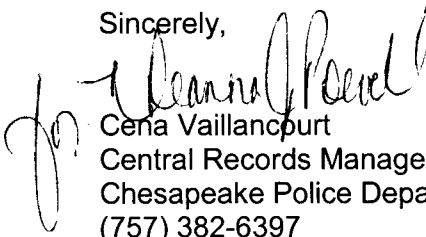
**Re: *Freedom of Information Act Request
Drone Policy & Procedure***

Dear Mr. Nash,

I am in receipt of your Freedom of Information Act (FOIA) request for a copy of the Chesapeake Police Department's Drone policy. This letter serves to respond to those requests from the Chesapeake Police Department.

Please find enclosed The Chesapeake Police Department's Policy & Procedure 14.8.1 on Unmanned Aircraft System (UAS). If I can be of further assistance, please do not hesitate to contact me.

Sincerely,



Cerna Vaillancourt
Central Records Manager
Chesapeake Police Department
(757) 382-6397



CHESAPEAKE POLICE DEPARTMENT

POLICY & PROCEDURE

14.8.1



Subject: Unmanned Aircraft System (UAS) Operations

Effective Date: 11/05/2018

CALEA Standard(s):

Revision Date: 11/05/2018

Issuing Authority: Colonel Kelvin L. Wright

Reviewing Authority: Dana Sanford

I. PURPOSE

The purpose of this policy is to promote the safe, efficient, and lawful operation of the City of Chesapeake Unmanned Aircraft System (UAS), and establish the authorized use and operational guidelines for operation of the UAS.

II. POLICY

It is the policy of the Chesapeake Police Department to utilize the UAS as a resource to protect lives, safeguard property and detect danger in full compliance with applicable laws and regulations. The UAS may be used for search and rescue, critical incidents, special events, and to assist in any task that can best be accomplished from the air in an effective and efficient manner.

III. PROCEDURE

A. Definitions

Certificate of Authorization/Waiver (COA): COA is an authorization issued by the Federal Aviation Administration (FAA) to a public operator for a specific UAS. The COA grants permission to operate the UAS within specific boundaries and permissions.

Unmanned Aircraft System/Vehicle (UAS/UAV): An aircraft, having a gross weight of less than 55 lbs. operated without a human pilot on board. Flight is controlled under the remote control of a pilot on the ground.

Observer: The individuals trained to maintain the visual line-of-sight and 360 degree hazard awareness around the UAS at all times. Assists the PIC in carrying out all duties required for the safe operation of the UAS.

Remote Pilot in Charge (PIC): The officer responsible for the overall flight operations for a specific mission.

Program Coordinator: The individual, designated by the Chief of Police, responsible for the administrative functions related to the UAS program. Duties shall include maintaining a current list of certified crew members to include pilots and observers, maintaining training standards, UAS flight records, and the overall condition and maintenance of the UAS platforms and associated equipment.

Night Flight: UAS flight operations that occur between the hours of one half hour after sunset and one half hour before sunrise as determined by the National Oceanic and Atmospheric Administration (NOAA).

Pre-Flight Briefing: A briefing led by the PIC prior to aircraft launch, which includes but is not limited to:

1. Review of the mission goals and expected outcomes
2. Review of current and forecast weather conditions
3. Review of current Notice to Airmen (NOTAMS) and Temporary Flight Restrictions (TFRs)
4. Identification of mission limitations and safety issues
5. Review of proposed flight area, including maximum ceiling and floor
6. Review of communication procedures between flight crew, and phone numbers to communicate with Air Traffic Control and airports in the event of emergency.
7. Review of emergency/contingency procedures including system failure, flight termination, and lost link procedures.
8. Review of video or digital images
9. Execution of pre-flight check

Approved Uses/Missions: For public safety missions, the following situations may be considered for approval: search and rescue operations, crime scene photography, accident reconstruction, HAZMAT deployment, disaster scenes, storm damage, fire scenes, and tactical situations. For general service missions the following will be considered for approval: mapping flight, picture/video flights, survey flights, or any non-public survey flights as requested. Other missions may be approved to preserve the health, safety, and welfare of citizens or property within the City of Chesapeake.

All missions will be flown in accordance with applicable State and Federal laws, FAA regulations 14 CFR Parts 61 and 91, and current FAA National Policy regarding UAS Operational Approval.

B. Operations Requirements:

1. The UAS shall only be operated by personnel who have been trained and demonstrated proficiency in the operation of the system.
2. The UAS will only be operated by an officer who possesses an FAA Unmanned Aircraft Operators Certificate in accordance with the FAA Small Unmanned Aircraft Regulations Part 107.
3. The PIC and flight observer shall not pilot more than one (1) UAS at any one time.
4. The UAS must remain within unaided visual line-of-sight of the operator and observer unless a COA/Waiver has been applied for and granted authorizing operations outside visual line-of-sight.

5. The UAS shall only be utilized during daylight operations unless a COA/Waiver has been applied for and granted allowing night operations, and the aircraft is properly outfitted with required anti-collision lighting.
6. The operations of the UAS may be authorized for the following services:
 - a. Documentation of crime and vehicle accident scenes
 - b. Hazardous material (HAZMAT) incidents
 - c. Search and Rescue operations
 - d. Tactical operations
 - e. Disaster response
 - f. In-progress active incidents
 - g. Training
 - h. Traffic control operations
 - i. Special events
 - j. Inspections
 - k. Economic development
 - l. Any other incidents approved by the Chief of Police or his designee
7. The PIC is authorized to refuse or cancel any flight request based on current weather conditions, crowd conditions, or for any other safety concern.
8. UAS flights shall only occur after the PIC has conducted a thorough assessment of risks associated with the flight. The risk assessment shall include, but shall not be limited to:
 - a. Weather conditions
 - b. Identification of a UAS failure (lost link, power failure, loss of control, etc.)
 - c. PIC and observer fitness for flight
 - d. Overlaying airspace, compliance with FAA regulations as appropriate to the operation.
 - e. Reliability, performance, and airworthiness of the UAS
9. While in flight, the PIC is authorized and is responsible for making all decisions regarding the use of the UAS to include, but not limited to:
 - a. Direction and flight path of the UAS
 - b. Duration of the flight
 - c. Capabilities and configuration of the UAS
 - d. Use of affixed certified equipment
10. Remote PIC and observer duties shall include, but are not limited to:
 - a. Maintaining a current FAA Unmanned Aircraft Operator Certificate, completing biennial review and passing recurrent aeronautical knowledge test.
 - b. Maintaining current awareness of pertinent FAA regulations, UAS agency requirements, and local, state and federal laws regarding UAS operations.

- c. Flight planning and preparation.
- d. Flight operations, including launch and landing sites, air speed, altitude and duration.
- e. Monitoring air traffic.
- f. Post-flight inspections and UAS Maintenance.

C. Flight Operations

1. There will only be one (1) remote PIC at any given time and he/she will exercise final responsibility and authority for the safety of the UAS, personnel and equipment during flight operations.
2. Prior to any flight, the remote PIC is responsible for pre-flight inspections of the aircraft. Any issues discovered during the pre-flight inspection will be fixed prior to the flight being conducted.
3. A post-flight inspection will be conducted by the remote PIC after every flight.
4. All flight personnel will be thoroughly familiar with emergency procedures and the specific duty assignments.
5. The remote PIC has the following authority/responsibility:
 - a. Initiating the flight only after he/she is confident the flight can be conducted safely.
 - b. Verifying an FAA Notice to Airmen (NOTAM) is released as required for flight in national airspace.
 - c. Verifying there is an FAA COA to conduct the flight.
 - d. If flight is pursuant to a search warrant, review the search warrant to ensure flight operations are within the scope of the warrant.
6. The observer has the following authority/responsibility:
 - a. Responsible for see-and-avoid operations of the aircraft. Maintain contact with the PIC and communicate obstacles that the UAS may encounter.
 - b. When the flight becomes hazardous to ground personnel or other aircraft, immediately notify the PIC.
 - c. During any phase of the flight, if the observer notices a malfunction with the UAS, immediately notify the PIC, who will terminate the flight.
 - d. Responsible for all communications with air traffic control and/or airport authority.
 - e. May operate any attachments to the UAS, allowing the PIC to maintain focus on the operation of the UAS.
7. Any accident involving the operation of the UAS that results in serious injury or property damage shall be reported to the FAA within ten (10) days.

8. No member of the flight crew will make any statement to the general public or the media regarding UAS operations without prior approval of the PIO, Chief of Police, or his/her designee.

D. Training Requirements

1. The program coordinator is responsible for the standardization of training of flight crew and aircraft operations, essential for the competency and uniformity of flight operations.
2. All PIC's will attend FAA Part 107 familiarization training and pass the required Unmanned Aircraft Operators test. PIC's will also attend ground flight training specific to UAS operations. Waivers for this requirement for certified pilots may be granted by the Chief of Police.
3. To maintain proficiency, all PIC's shall undergo monthly flight training which will include at least one (1) fifteen minute flight. Any PIC that has not conducted flight operations within 90 days will be required to demonstrate flight proficiency prior to conducting any operational flight.
4. All PIC's will be responsible to maintain their Unmanned Aircraft Operators certification.
5. All UAS training, to include training flights, shall be documented in the operators training record maintained with the Chesapeake Law Enforcement Training Academy (CLETA).

E. Image Retention and Documentation

1. For non-public safety operations, all digitally recorded media of a mission flight shall be delivered to, and retained in accordance with the requesting department's data retention policy.
2. For public safety operations, all digitally recorded media shall be downloaded at the conclusion of the mission flight, and delivered to the Chesapeake Police Department's Central Records unit for uploading into the department's video retention software.
3. All UAS training and mission flights shall be documented by completing the flight log for the respective UAS.

F. Privacy

The UAS shall only be used in accordance with existing state and federal regulations. The PIC shall make every effort not to record locations and persons that are not the subject of the mission.